

REMARKS

This Office Action is responsive to Applicant's communication filed on May 20, 2004. Claims 1-90 are pending with this paper. Claims 1-89 stand rejected by the Office Action.

Applicant acknowledges the withdrawal of the double patenting rejections of claims 1-4, 9, 10, 12, 13, 18-26, 28-33, 36-38, 40-47, 49-58, 61, 63-67, 70, 72-76, 79-85, and 88-89. (Page 42.)

Applicant is adding claim 90, which is supported by the specification as originally filed, e.g., page 1, line 41 to page 2, line 3.

Substance of Interview on April 24, 2007

Applicant and Examiner discussed the proposed amendment to claim 1 and the addition of claim 90. Examiner indicated that the proposed amendment to claim 1 would overcome the 101 rejections and the 102 prior art rejections (Bloom).

Other Amendments

Applicant is amending claims 3-8 to replace "the operations" with "operations" in order to provide a proper antecedent basis. Applicant is also amending claims 1, 3-9, 10, 72, and 81 to replace "a store" with "the store" because a proper antecedent basis is already provided.

Claims Rejections – 35 USC §101

Claims 1-89 are rejected under 35 U.S.C. § 101 allegedly for being directed to non-statutory subject matter.

Regarding claim 1, Applicant is amending the claim to include the feature of "the store goal corresponding to a student being trained in an aspect of inventory administration for a

store.” The amendment is supported by the specification as originally filed. For example, the present specification discloses (Page 1, line 41 to page 2, line 3.):

A store management tutorial system is enabled for providing active coaching on aspects of inventory management, stocking, advertising, return on revenue, markdown, assortment strategy and other aspects of retail management. Techniques for process sensitive help are also integrated into the system to provide contextual examples to guide a user in performing a task.

The Office Action alleges that (Page 2, paragraph 2.):

None of them (claims) is limited to practical application.

The Office Action further alleges that (Pages 40-41.):

Applicant has not specified what the store goal actually is. It could be something purely mathematical, or nonrepeatable. Applicant’s argument that his claims can be applied to “inventory management, stocking, advertising, return on revenue, markdown, assortment and **other aspects of retail management**” is insufficient to actually limit his claims to such applications. Those supposed “limitations” are only subsets of the actual matter limited by the claims. An argument using erroneously limiting subsets of the actual metes and bounds of the claims is not sufficient to limit the claims to statutory matter because the “claims must be given their broadest reasonable interpretation.” See, MPEP 2111 (emphasis added.)

However, Applicant notes the store goal, as claimed in claim 1, corresponds to “a student being trained in an aspect of inventory operations.” Claim 1 should be accordingly interpreted with respect to the feature. Applicant believes that the claim provides a useful, concrete, and tangible result.

Applicant is similarly amending independent claims 10 to include the feature of “the store goal corresponding to a student being trained in an aspect of inventory administration for a store.” Also, Applicant is amending independent claim 19 to include the feature of “the goal corresponding to a student being trained in an aspect of inventory administration for a store.” Applicant is similarly amending independent claims 28, 36, 45, 54, 63, 72, and 81. Moreover,

claims 1-9, 11-18, 20-27, 29-35, 37-44, 46-53, 55-62, 64-71, 73-80, and 82-89 depend from the above independent claims. Applicant requests reconsideration of claims 1-89.

Claims Rejections – 35 USC §112

Claims 1-89 are rejected under 35 U.S.C. 112, first paragraph because current case law require such a rejection if a § 101 rejection is given.

Applicant requests withdrawal of the rejections under 35 U.S.C. 112, first paragraph for at least the reasons discussed above regarding the rejections under 35 U.S.C. § 101.

Claims Rejections – 35 U.S.C. §102

Claims 1, 10, 19, 28, 36, 45, 54, 63, 72, and 81 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,597,312 (Bloom).

Regarding claim 1, as discussed above, the claim includes the feature of “the store goal corresponding to a student being trained in an aspect of inventory administration for a store.” As previously discussed, the present specification discloses (Page 1, line 41 to page 2, line 3. Emphasis added.):

A store management tutorial system is enabled for providing active coaching on **aspects of inventory management, stocking, advertising, return on revenue, markdown, assortment strategy and other aspects of retail management.** Techniques for process sensitive help are also integrated into the system to provide contextual examples to guide a user in performing a task.

Bloom fails to teach anything about inventory administration for a store. Bloom merely discloses a platform for teaching customer service representatives (CSR's) procedures of their job when interacting with a customer. For example, a training CSR develops interaction skills by rehearsing customer contacts. Also, as discussed above, independent claims 10, 19, 28, 36, 45,

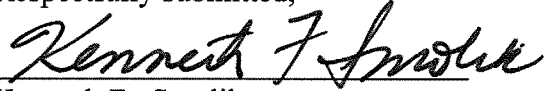
54, 63, 72, and 81 include similar features and are not anticipated for at least the above reasons.

Applicant requests reconsideration of claims 1, 10, 19, 28, 36, 45, 54, 63, 72, and 81.

While the corresponding dependent claims were not rejected by the Office Action under 35 U.S.C. 102(b), Applicant notes that Bloom does not suggest anything about inventory control, pricing strategy, return on revenue, markdown, stocking, assortment strategy, and advertising as included in dependent claims 3-8 and 11-17.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

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